

scanners and the like, it is important that the watermark decoder be robust to rotation of the image, since the catalog photo will likely be scanned off-axis. One option is to encode subliminal graticules (e.g. visualization synchronization codes) in the catalog photo so that the set of image data can be post-processed to restore it to proper alignment prior to decoding.

The scanner/decoder device can be coupled to a modem-equipped computer, a telephone, or any other communications device. In the former instance, the device provides URL data to the computer's web browser, linking the browser to the catalog vendor's order page. (The device need not include its own watermark decoder; this task can be performed by the computer.) The vendor's order page can detail the size and color options of the jacket, inventory availability, and solicit ordering instructions (credit card number, delivery options, etc.) – as is conventionally done with on-line merchants. Such a device connected to a telephone can dial the catalog vendor's toll-free automated order-taking telephone number (known, e.g., from data encoded in the watermark), and identify the jacket to the order center. Voice prompts can then solicit the customer's choice of size, color, and delivery options, which are input by Touch Tone instructions, or by voiced words (using known voice recognition software at the vendor facility).

In such applications, the watermark may be conceptualized as an invisible bar code employed in a purchase transaction. Here, as elsewhere, the watermark can serve as a seamless interface bridging the print and digital worlds

(‘228 application, page 5, line 29 – page 6, line 8.) Accordingly, claim 1 is properly patentable over the art.

The ‘228 application likewise supports the subject matter claimed in independent claim 6 (see, e.g., disclosure of local scaling of watermark energy at page 14, line 25), as well as many of the dependent claims.

Accordingly, reconsideration of claims 1 and 6, and claims dependent thereon, is solicited.

Applicant respectfully submits that a prima facie case under Section 103 has not been made out as to claims 2, 3 and 4, and claims dependent thereon.

As to claim 2, Merriman does teach or concern any method for determining consumer responses to printed advertisements. Nor does Yamaguchi. Teachings of Merriman are improperly extended to the print realm, and hybridized with selected teachings of Yamaguchi, but without any suggestion from the cited art for doing so. Instead, it appears hindsight has been employed to modify and piece together disparate teachings from the art to yield the claimed arrangement. This doesn't meet the requirements of Section 103.

Likewise, as to claim 3, neither Rathus or Merriman teaches or concerns prizes, or methods for determining to whom they should be awarded. (The "promotional program" referred to in Rathus is a clear reference to an advertisement, not a prize.) Again, teachings from the art are unfairly modified, and combined – without any suggestion from the references – to yield the claimed arrangement. Again, this does not meet the requirements of Section 103.

The rejection of claim 4 is similarly deficient. Contrary to the statement in the Action, Yamaguchi does not "teach ... a method of travel promotion." Nor does Rathus. Again, teachings from the art are unfairly modified, and combined – without any suggestion from the references – to yield the claimed arrangement. Again, this does not meet the requirements of Section 103.

In view of the above-noted shortcomings in the rejections of the claims, other failings of the art to teach and suggest the claimed arrangements are not belabored.

Favorable reconsideration and passage to issuance are solicited.

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